



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

5

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,167	08/24/2001	Raymond J. Werner	71062.P006X	4112

25943                      7590                      03/17/2005

SCHWABE, WILLIAMSON & WYATT, P.C.  
PACWEST CENTER, SUITES 1600-1900  
1211 SW FIFTH AVENUE  
PORTLAND, OR 97204

EXAMINER

VEILLARD, JACQUES

ART UNIT	PAPER NUMBER
2165	

2165

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

<b>Application No.</b> 09/939,167	<b>Applicant(s)</b> WERNER, RAYMOND J.	
<b>Examiner</b> Jacques Veillard	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 08 January 2005.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 26-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 26-31 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the applicant's communication filed on 1/8/2005.
2. Claims 26-31 have been elected without traverse upon a restriction requirement.
3. Claims 26-31 are pending and are presented for examination.

#### *Drawings*

4. The **informal drawings** filed in this application specifically (drawings 9-17) are acceptable for examination purposes only. When the application is allowed, applicant will be required to submit new formal drawings.

#### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 30-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 30, the claim recites in line 1, the limitation "wherein the directory listing can be sorted", the phrase "can be" render the claim indefinite.

As per claim 31, it is rejected in the same basis as claim 30 in virtue of dependency.

#### *Claim Rejections - 35 USC § 102*

Art Unit: 2165

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Usami (U. S. Pat. No. 6,731,746).

As per claim 26, Usami discloses an automatic sorting system for electronic telephone directory by providing a telephone directory to sort telephone numbers in the electronic telephone directory prepares a calling information list which indicates an expected calling frequency in each day of the week and time period (See Usami Title and abstract). In particular, Usami discloses the claimed limitations of “receiving a directory listing command” (See Usami col.2, lines 11-60); and displaying a directory listing, wherein the directory listing includes time and time zone information (See Usami Fig.1 component 12, Fig.6, and col.8, lines 3-49).

As per claims 27 and 29, most of the claimed limitations of these claims have been noted in the rejection of claim 26. Applicant’s attention is directed to the rejection of claim 26 above. In addition, Usami discloses the claimed limitations of “selecting a sorting order”(See Usami col.2, lines 15-25); sorting the directory listing in accordance with the sorting order (See Usami col.6, lines 17-55); and displaying the directory listing in accordance with the sorting order (See Usami col.7, line 1 through col.8, line 67 and col.10, lines 20-32).

Art Unit: 2165

As per claim 28, most of the claimed limitations of this claim have been noted in the rejection of claim 27. Applicant's attention is directed to the rejection of claim 27 above. In addition, Usami discloses the claimed limitations of "wherein the directory listing is sorted by time zone information" (See Usami Fig.6, and col.7, line 55 through col.8, line 12).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 30 and 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Usami (U. S. Pat. No. 6,731,746) in view of Yamada et al.(U. S. Pat. 6,208,935).

As per claim 31, most of the claimed limitations of this claim have been noted in the rejection of claims 29 and 30. Applicant's attention is directed to the rejection of claims 29 and 30 above.

It is noted, however, Usami did not specifically disclose the claimed limitations of "wherein the specified regions comprise geographic areas defined by longitude and latitude information" as recited in the instant claim 31. On the other hand, Yamada et al. achieved this claimed feature by providing a map application system wherein a contribution server returns an article with the relation to the position of the neighborhood according to the input of region name on a stroll terminal (See Yamada et al. abstract, Fig.6, step 601, col.6, lines 22-37, and col.7, lines 12-20).

Art Unit: 2165

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the automatic sorting system and method for electronic telephone directory of Usami by incorporating the longitude and latitude mechanism taught by Yamada et al. The motivation being to have enhanced the automatic sorting system of Usami by allowing it to express the position in a latitude and longitude direction when requested directory listing.

As per claim 30, most of the claimed limitations of this claim have been noted in the rejection of claim 29. Applicant's attention is directed to the rejection of claim 29 above. In addition, the combination of Usami and Yamada et al., as modified, discloses the claimed limitations of "wherein the directory listing can be sorted by specified regions" (See Yamada et al. Fig.9, step 906, col.5, lines 8-11).

***Other Prior Art Made Of Record***

11. The prior art made of record and not relied upon is-considered pertinent to applicant's disclosure.

12. Lee	U. S. Pat. No. 6,779,127,
McNutt et al.	U. S. Pat. No. 5,606,688,
Shiraishi et al.	U. S. Pat. No. 6,526,436,
Link, II et al.	U. S. Pat. No. 6,738,616,
Henningson et al.	U. S. Pat. No. 6,301,350, and
Takahashi	U. S. Pat. No. 5,592,546.

Art Unit: 2165

***Contact Information***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (571) 272-4086. The examiner can normally be reached on Mon. to Fri. from 9 Am to 4:30 PM, alt. Fri. off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272- 4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**CHARLES RONES  
PRIMARY EXAMINER**



Jacques Veillard  
Patent Examiner TC 2100

March 9, 2005